



TOWN OF FRAMINGHAM  
DEPARTMENT OF PUBLIC WORKS  
FRAMINGHAM, MASSACHUSETTS 01702

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April 6, 2012

Via Email [kathleen.baskin@state.ma.us](mailto:kathleen.baskin@state.ma.us) and US Mail

Ms Kathleen Baskin, P.E.  
Director of Water Policy  
Executive Office of Energy and Environmental Affairs (EOEEA)  
100 Cambridge Street - 9th floor  
Boston, Massachusetts 02114

Subject: Draft Sustainable Water Management Initiative Framework Summary

Dear Ms. Baskin,

The Town of Framingham Department of Public Works (FDPW) is pleased for the opportunity to comment on the Draft Sustainable Water Management Initiative (SWMI) Framework Summary. The SWMI was convened in December 2009 in response to abrupt resignations of influential conservation groups from the Water Resources Management Advisory Committee due to water policy changes proposed in October 2009. To implement the SWMI, a Sustainable Water Management Advisory Committee (Advisory Committee) was formed with roughly equal representation of regulators, environmental interests and representatives from the water supply community. The goal of this committee was to work with the Water Management Act Advisory Committee and the Water Resources Commission in a joint effort to advise EOEEA and its agencies on the development of a water allocation program. The effort has culminated with the release of the draft framework on February 3, 2012 and a final Advisory Committee meeting which was held on March 28, 2012.

There are a number of areas in which the water supply community takes issue with the technical approach that formed the basis of the draft framework. These areas have been previously discussed during Advisory Committee meetings and are echoed below:

- A basic premise of the hydrologic component of the Factors model is that groundwater is instantaneously withdrawn from a stream. It fails to recognize the essential role that groundwater storage plays in the hydrologic cycle.
- There is widespread acknowledgement that there is poor representation of the impact of impoundments and surface water withdrawals on stream flow.
- The Factors model has not been calibrated or checked against actual data to verify its accuracy.
- The draft framework incorrectly extrapolates results from the Factors model, distorting the impact of water supply withdrawals on declining fish populations in rivers.
- The significant adverse impact of impervious cover on the health of fisheries habitat has not been adequately addressed in the framework, but rather is essentially a footnote in the Tiers table.
- There is a belief that the method of filtering the fisheries data by the Department of Fish and Wildlife showed bias toward an exaggerated impact to fisheries habitat in the eastern half of the state.



In addition to the concerns over the technical basis of the draft framework, the Town has some specific concerns on the policy aspects:

- There is great concern over the implications of the use of "baseline" with which to compare current and future water withdrawals. While MassDEP has made reference to it in recent permits, it seems to have no basis in the current regulations. The concept of baseline essentially voids all previously issued permits.
- A water supplier looking to increase withdrawal above their baseline may be required to "demonstrate no feasible alternative source that is less environmentally harmful" is available. The words "feasible" and "harmful" are vague and remain undefined at this time. And, it should be noted, this language appears to be at odds with language in the Massachusetts Water Resources Authority (MWRA) enabling legislation that requires the development of local sources.

The Town has invested significant financial resources since 2003 to reactivate the Birch Road well field, and moved forward with obtaining both MEPA approval and a WMA permit in 2008. Despite a comprehensive analysis of potential impacts, and several months of exhaustive outreach to interested parties, the Birch Road well field did not receive MEPA approval and was required to prepare a Supplemental Final Environmental Impact Report (SFEIR). As a member of the Stakeholder Interest Group, you are aware of the US Geological Survey (USGS) Framingham study that commenced in November 2010. This study, which is jointly funded by the Town and the USGS, is further investigating the groundwater and surface water interaction in the area of the well field. The Town has continually made good-faith efforts to reactivate this valuable water resource and is committed to utilizing it sustainably. The proposed method for calculating baseline withdrawal, when coupled with the requirement to "demonstrate no feasible alternative source that is less environmentally harmful" is available will essentially eliminate the Town's ability to obtain a WMA permit due to the existing connection to the MWRA system. As written, the framework does not allow flexibility for a meaningful calculation of baseline withdrawal. This interpretation of baseline withdrawal will have a chilling impact not only the Town but many other water suppliers in the Commonwealth.

In light of the above concerns, the Town requests that the Secretary consider the following actions:

- 1) Support MWWA's call for a piloting program that includes not only the administrative aspects of framework implementation but also field verification of the Factors model.
- 2) Use a broad interpretation of "less environmentally harmful" in evaluating permits for new sources. This would include an explicit acknowledgement of the net benefit of a project which could include making funds available for other much needed infrastructure projects that have clear and demonstrable environmental benefits.
- 3) Allow permits applied for prior to the start of the SWMI process to proceed on the merits of the regulations in place at the time they were applied for.
- 4) We understand that the USGS is currently seeking funding from the Commonwealth to perform a study that would "unpack" the nature of the relationship between impervious cover and fisheries habitat. The Town of Framingham supports the effort to understand this critical relationship and encourages the Secretary to fund the study.

We thank you for the opportunity to comment on the draft framework.

Sincerely,



Peter A. Sellers  
Executive Director | FDPW

Cc: Senator Karen Spilka | Representative Chris Walsh | Town Manager Valerie W. Mulvey | Board of Selectmen  
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